

SENATE FINANCE, WAYS AND MEANS COMMITTEE

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 258

House Bill No. 30*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting subsection (a) of Section 3 of Senate Judiciary Committee Amendment No.1 in its entirety and by substituting instead the following:

(a)(1) In Title IV-D child support enforcement cases pursuant to this part, the department shall be deemed to be the agent of the court to enforce, on behalf of the court, the court's order of support which is in arrears by using the license revocation, denial, or suspension procedures provided herein.

(2) If the court's records maintained by the court clerk on the statewide Title IV-D child support computer system, or the department's records of court ordered support if the court clerk has elected, pursuant to § 36-5-101(a)(4)(C)(iii), not to participate in the statewide Title IV-D child support computer system, show that the obligor is in arrears and is not in compliance with an order of support, the department may serve upon an obligor a notice that informs the obligor of the department's intention to submit the obligor's name to the appropriate licensing authority as a licensee who is not in compliance with an order of support.

AND FURTHER AMEND by deleting the language "representative of the commissioner" in the second sentence of Section 3(c) of Senate Judiciary Committee Amendment No.1, and by substituting instead the language "process server".

AND FURTHER AMEND by deleting the last sentence of Section 3(c) of Senate Judiciary Committee Amendment No.1.

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AND FURTHER AMEND by deleting the word “issued” in the second sentence of Section 4(a) of Senate Judiciary Committee Amendment No.1 and by substituting instead the language “served upon the obligee as shown by the return receipt or by the return on personal service”.

AND FURTHER AMEND by deleting subsection (c) of Section 4 of Senate Judiciary Committee Amendment No. 1 in its entirety and by substituting instead the following:

(c) The only issues for consideration at the administrative hearings shall be:

(1) Whether the licensee is an obligor required to pay child support under an order of support;

(2) Whether the obligor is not in compliance with the order of support; and

(3) Whether good cause exists in that case as to whether the sanctions of this act should be imposed.

AND FURTHER AMEND by deleting subsection (d) of Section 4 of Senate Judiciary Committee Amendment No.1 in its entirety and by substituting instead the following:

(d)(1) The department may enter into a consent order with the obligor, which is filed with the court, for payment of an arrearage owed by the obligor. Upon entry of such consent order by the court, the proceedings under this act shall be further stayed, unless there is noncompliance with such consent order as shown by the records pursuant to subdivision 2. In the event of such noncompliance the stay shall cease and the procedures of subdivision 2 shall be followed. Entry of such consent order shall constitute a waiver of the obligor’s right to any hearing on the issue of noncompliance

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with an order of support based upon the notice of noncompliance for which the consent order has been entered.

(2) If, based upon the court's records maintained by the court clerk on the statewide Title IV-D child support computer system, or, based upon the department's records of court ordered support if the court clerk has elected, pursuant to § 36-5-101(a)(4)(C)(iii), not to participate in the statewide Title IV-D child support computer system, which show that the obligor remains in arrears and is not in compliance with the consent order for repayment of the child support arrearage pursuant to subdivision (1), the court, through the department, shall, in accordance with Section 6, forthwith certify to each licensing authority which licenses the obligor, that the obligor is not in compliance with an order of support.

AND FURTHER AMEND Section 12 of Senate Judiciary Committee Amendment No. 1 by deleting the word, figures and punctuation "January 1, 1996" and by substituting instead the word, figures and punctuation "July 1, 1996".

AND FURTHER AMEND Section 12 of Senate Judiciary Committee Amendment No. 1 by designating the current language as subsection (a) and by adding the following new subsection (b):

(b) If it is not feasible to provide the information on magnetic tape or in a machine-readable format, the information shall be provided in the format agreed upon by the commissioner and the licensing authority.

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AND FURTHER AMEND Section 13 of Senate Judiciary Committee Amendment No. 1 by deleting the word, figures and punctuation "January 31, 1997" and by substituting instead the word, figures, and punctuation "January 31, 1998".

AND FURTHER AMEND Section 15 of Senate Judiciary Committee Amendment No. 1 by deleting the word, figures and punctuation "January 1, 1996" and by substituting instead the word, figures and punctuation "July 1, 1996".

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